

ORIGINAL

FILED

June 11 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

FILED

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

FAX - FILED

JUN 11 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No DA10-0287

DALE L. KEIL,
Appellant.
IN THE MATTER OF THE ESTATE OF
JAMES R. BREWSTER,
Deceased,
Appellee,

NOTICE OF APPEAL

NOTICE IS GIVEN that Dale L. Keil, the Appellant above-named who is the Personal Representative's attorney in that cause of action filed in the Ninth Judicial District, in and for the County of Teton, as Probate No. DP-07-008, hereby appeals to the Supreme Court of the State of Montana from the Order entered on June 1, 2010 for Reimbursement of Attorney Fees in Excess of Statutory Fees.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is subject to the mediation process required by M. R. App. P. 7. If subject to mediation, the money judgment being sought is not less than \$5,000.

2. That this appeal is not an appeal from an order certified as final under M. R. Civ. P. 54(b).

3. That this is not an appeal which requires that notice required by M. R. App. P. 27 be given to the Supreme Court and to the Montana Attorney General with respect to a challenge of the constitutionality of any act of the Montana Legislature.

4. That all available transcripts of the proceedings in this Probate No. DP-07-008 have been ordered from the Court Reporter.

5. That included herewith is the filing fee prescribed by statute.

DATED this 10~~th~~ day of June, 2010.

Dale L. Keil
Dale L. Keil, Pro Se

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CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, each court reporter from whom a transcript has been ordered, and each party not represented by an attorney in the above-referenced District Court action as follows:

Laura Hodgskiss
P.O. Box 1367
Choteau, MT 59422

Jeri Lee Brewster
P.O. Box 263
Choteau, MT 59422

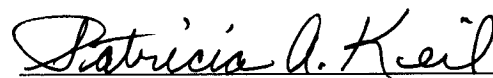
Robert Gresczyk
20 4th Ave. SW
Conrad, MT 59425

Teton County Clerk of District Court
Lisa J. Sinton
101 Main avenue S.
P.O. Box 487
Choteau, MT 59422-0487

Daniel E. Shannon,
Attorney for Billie Brewster
Shannon Legal Services, PC
401 3rd Avenue North
P.O. Box 1709
Great Falls, MT 59403-1709

Kyle J. Brewster
P.O. Box 737
Choteau, MT 59422

Dated this 10th day of June, 2010


Patricia A. Keil, Office Manager
315 S. Main St.
Conrad, MT 59425

1 DALE L. KEIL, Pro Se
2 315 South Main, Suite A
3 Conrad, Montana 59425
4 Telephone: (406) 271-5575

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JUN 11 2010

DA 10 - 0287

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

8 MONTANA NINTH JUDICIAL DISTRICT COURT, TETON COUNTY

9
10 IN THE MATTER OF THE ESTATE OF) Probate No: DP-07-008
11 JAMES R. BREWSTER,)
12 Deceased,) **NOTICE OF TRANSCRIPTS
DEEMED NECESSARY
FOR APPEAL**

13
14 NOTICE is given that Dale L. Keil, the Appellant in the above-named case, hereby
15 determines the following transcripts are necessary for appeal:

16 All probate proceedings as follows:

17 Hearing dated January 15, 2008

18 Hearing dated March 4, 2008

19 Hearing dated March 31, 2009

20 The following transcripts have been previously prepared and are deemed necessary on
21 appeal and appellant requests the court reporter, Robert Gresczyk, prepare such transcripts in the
22 proper format for filing with the Supreme Court and service on Appellee:


23 Hearing dated May 6, 2009

24 Hearing dated June 30, 2009

25
26 The court reporter responsible for the preparation of these transcripts is Robert Gresczyk.
27
28

1 It is further certified that financial arrangements were made with the court reporter before
2 filing this Notice.

3
4 Dated this 10th day of June, 2010.

5 
6 Dale L. Keil

7
8 CERTIFICATE OF SERVICE

9 I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF
10 TRANSCRIPTS DEEMED NECESSARY FOR APPEAL with the Clerk of the Montana
11 Supreme Court and that I have served true and accurate copies of the foregoing NOTICE OF
12 TRANSCRIPTS DEEMED NECESSARY FOR APPEAL upon the Clerk of the District Court,
13 each attorney of record, each court reporter from whom a transcript has been ordered, and each
14 party not represented by an attorney in the above-referenced District Court action, as follows:

15 Teton County Clerk of District Court
16 Lisa J. Sinton
17 101 Main avenue S.
18 P.O. Box 487
Choteau, MT 59422-0487

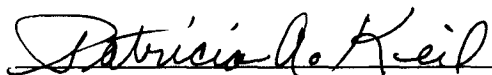
Robert Gresczyk
Pondera County Courthouse
20 4th Ave. SW
Conrad, MT 59425

19 Laura Hodgskiss
20 P.O. Box 1367
Choteau, MT 59422

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Attorney for Billie Brewster
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22 Jeri Lee Brewster
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24 Choteau, MT 59422

Kyle J. Brewster
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26 Patricia A. Keil, Office Manager
27 315 S. Main St
28 Conrad, MT 59425

DALE L. KEIL, Pro Se
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Conrad, Montana 59425
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E-mail: keillaw@3rivers.net

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JUN 14 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

0320-0287

MONTANA NINTH JUDICIAL DISTRICT COURT, TETON COUNTY

IN THE MATTER OF THE ESTATE OF)	Probate No: DP-07-008
JAMES R. BREWSTER,)	
Deceased,)	MOTION FOR STAY OF EXECUTION
)	OF JUDGMENT AND APPROVAL OF
)	SUPERSEDEAS BOND

COMES NOW Dale L. Keil and respectfully moves this Court, pursuant to Rule 22 Mont. R. App. P. to stay, pending and during appeal, the judgment entered as the court's Order for Reimbursement of Attorney Fees in Excess of Statutory Fees, dated June 1, 2010 (filed June 1, 2010) and for approval of the Supersedeas Bond.

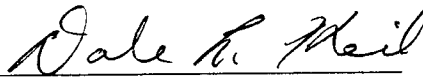
MEMORANDUM IN SUPPORT OF MOTION

Rule 22 Mont. R. App. P. requires a litigant seeking a stay of order pending and during appeal and approval of a supersedeas bond to request the stay and bond approval first from the District Court. Rule 22 (1)(a) i, ii Mont. R. App. P. (2009). The rule provides that the District Court "retains the power to entertain and rule upon a motion filed pursuant to this rule despite the filing of a notice of appeal..." Rule 22 (1)(c) MT R. App. P. (2009). The appellant must obtain the district court's approval of the supersedeas bond Rule 22 (1) (c). Finally, the rule requires the District Court to "promptly enter a written order on a motion filed under this rule and include in findings of fact and conclusions of law, or in a supporting rationale, the relevant facts and legal

1 authority on which the District Court's order is based," Rule 22 (1) (d).
2

3 WHEREFORE, Dale L. Keil respectfully requests that this Court issue a stay of its June
4 1, 2010, order pending and during the appeal in this matter and approval of the supersedeas bond.
5

6 DATED this 10th day of June, 2010.
7

8 
9 Dale L. Keil
10

11
12 **CERTIFICATE OF SERVICE**

13 The undersigned does hereby certify that on the 10th day of June, 2010, a true copy of the
14 foregoing document was served upon counsel for Petitioner by mailing a copy of the same to the
15 address below:
16

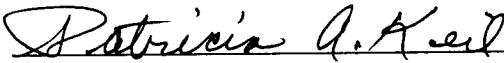
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